

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JANUARY 18, 2005

D045256 Linda D. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Huffman, J.; We Concur: McConnell, P.J., Irion, J.

D045207 In re Kaleigh C., a Juvenile

Appellant has failed to file a brief after notice given on December 7, 2004. In accordance with that notice, the appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JANUARY 19, 2005

D043755 People v. Osborn

The judgment is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D042512 People v. Kimbrough

The judgment is affirmed. Irion, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D044682 Bartsch et al. v. Liu et al.

Upon written request filed by appellants, the appeal is dismissed.

D043649 People v. Harbin

The judgment is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., Haller, J.

D045473 In re Sims on Habeas Corpus

The petition is denied.

D045476 Wells v. Superior Court of San Diego County/Davlyn Investments, Inc.

The petition is denied.

**D045654 Wayne H. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

The petition is denied.

D045323 In re Smith on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JANUARY 20, 2005

D043226 Morhaim v. Scripps Clinic Medical Group

The judgment is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., Irion, J.

D043471 People v. Alvarado

The judgment is affirmed. CERTIFIED FOR PUBLICATION. Nares, Acting P.J.; I Concur: Haller, J.; I Concur in the Result: McIntyre, J. (opinion)

D045470 In re Brose on Habeas Corpus

The petition is denied.

D042780 People v. Ogot

D045225 In re Ogot on Habeas Corpus

The pending petition for writ of habeas corpus, In re Michael Ogot, D045225, is consolidated with the pending appeal, People v. Michael Ogot, D042780, for oral argument and disposition.

D042738 JLRB Associates et al. v. Livingston

D043800 JLRB Associates et al. v. Livingston

(Consolidated cases) The award of attorney fees is reversed as to Lewis & Lewis. In all other respects, the orders are affirmed. Parties to bear their own costs on appeal. Nares, Acting P.J.; We Concur: McIntyre, J., Irion, J.

D042780 People v. Ogot

D045225 In re Ogot on Habeas Corpus

The judgment is affirmed as to counts two and three, and reversed as to count one. The petition for writ of habeas corpus is denied. Haller, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D044874 In re Norman D., a Juvenile

Judgment affirmed. Benke, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D042551 People v. Jeter

We reverse the conviction for assault with a deadly weapon by a life prisoner. We affirm the judgment in all other respects. (CERTIFIED FOR PARTIAL PUBLICATION) O'Rourke, Acting P.J.; We Concur: Aaron, J., Irion, J.

D043615 People v. Fletcher

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D043655 McNerny v. Adams

The order denying the motion to strike is affirmed. Costs are awarded to Respondent. Huffman, J.; We Concur: McConnell, P.J., O'Rourke, J.

D044525 People v. Turner

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., Irion, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JANUARY 20, 2005 (Continued)

**D045668 Todd O. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JANUARY 21, 2005

D043095 In re the Marriage of Humble

The order is affirmed. Wife is entitled to costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., Aaron, J.

D041563 People v. Alcazar

The judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., Haller, J.

D044490 People v. Atkins

The judgment is affirmed. O'Rourke, J.; We Concur: McIntyre, Acting P.J., Irion, J.

D045622 In re Martinez on Habeas Corpus

The petition is denied without prejudice to refiling in the San Diego Superior Court.

D045474 In re Fields on Habeas Corpus

The petition is denied.

D044903 In re Michelle M., a Juvenile

The order is affirmed. Irion, J.; We Concur: McDonald, Acting P.J., O'Rourke, J.

D043505 Greer v. City of Escondido

The request for publication of the opinion is denied.

D044252 In re Gregory C., a Minor

The orders are reversed. The juvenile court is directed to hold a special hearing to review whether proper notice has been given under the ICWA. If the court determines such notice has been provided, it is directed to reinstate all prior orders. If the court determines that proper ICWA notice has not been provided, the court shall order Agency to comply with the notice requirements of the ICWA. Aaron, J.; We Concur: McDonald, Acting P.J., Irion, J.

D043099 O'Meara v. Palomar-Pomerado Health System et al.

Order affirmed. Defendants to bear Dr. O'Meara's costs on appeal. CERTIFIED FOR PUBLICATION. Haller, J.; We Concur: Nares, Acting P.J., Irion, J.

D045735 Croteau v. Superior Court of San Diego County/Data Numeric Industries, Inc.

The petition is denied.

D045493 Antonio B., v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Antonio B. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JANUARY 21, 2005 (Continued)

D043422 Baldwin Builders v. Coast Plastering Corporation et al.

The judgment is reversed insofar as it grants Coast and T&M attorney fees and nonstatutory costs. The matter is remanded for further proceedings as to the amount of such fees and costs that Coast and T&M are entitled to recover under the attorney fee provisions in the indemnity agreements. In all other respects, the judgment is affirmed. CERTIFIED FOR PUBLICATION. McIntyre, J.;
We Concur: Nares, Acting P.J., Haller, J.

D043150 Barno et al. v. The Copley Press Inc., et al.

The petition for rehearing is denied. The request for publication of the opinion is denied.

D045489 In re Portis on Habeas Corpus

The petition is denied.

D045511 Barros v. Superior Court of San Diego County/P.O.P. Enterprises, Inc.

The petition is denied.

D045299 In re Hellena H., a Juvenile

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.